

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Alice Felder-Lucas,)	
)	
Petitioner,)	
)	C/A No.: 3:17-mc-205-TLW
v.)	
)	
Dave Hunter, C.E.O., in his personal capacity,)	
against his bond; Irene Dorner, C.E.O., in her)	
personal capacity, against her bond; County)	
Assessor Elizabeth M. McDonald; Jeanette)	
McBride, County Clerk of Court; Comptroller John)	
C. Dugan, Administrator of National Bank; Michael)	
S. Piwowar, Security Exchange Commissioner;)	
Secretary of State Mark Hammond; James Ransom,)	
Accredited Home Lenders, Inc.; Century 21;)	
Brock & Scott Suzanne Brown; Rogers, Townsend)	
& Thomas Synergy Business Park; and 20 John and)	
Jane Does,)	
)	
Respondents.)	
_____)	

ORDER

Petitioner Alice Felder-Lucas, proceeding *pro se*, filed this Petition pursuant to Federal Rule of Civil Procedure 27(a) seeking to perpetuate testimony. ECF No. 1. This matter now comes before the Court for review of the Report and Recommendation (“the Report”) filed on May 23, 2017, by United States Magistrate Judge Shiva V. Hodges, to whom this case was previously assigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(e), (D.S.C.). ECF No. 12. In the Report, the Magistrate Judge recommends that the Court dismiss the Petition without prejudice and deem Petitioner’s motion to stay moot. *Id.* On June 7, 2017, Petitioner filed objections to the Report. ECF No. 15. This matter is now ripe for disposition.

The Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In conducting its review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections.... The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in *Wallace*, the Court has reviewed, *de novo*, the Report and the Objections. The Court concludes that Petitioner's objections restate that Petitioner seeks pre-complaint discovery for the purpose of ascertaining facts to draft a complaint rather than because there is an immediate threat that the information will be lost. *See* ECF No. 15. The purpose of perpetuating testimony under Rule 27(a) is not to facilitate pre-complaint discovery, but rather to prevent information from being lost before litigation begins. *See In re Stock*, 179 F.R.D. 57, 58 (D. Mass. 1998) (Rule 27 "is not designed to allow pre-complaint discovery."). Thus, after careful consideration, **IT IS ORDERED** that the Magistrate Judge's Report, ECF No. 12, is **ACCEPTED**, and the Petitioner's Objections, ECF No. 15, are **OVERRULED**. For the reasons

stated in the Report, the Petition, ECF No. 1, is hereby **DISMISSED**. Additionally, Petitioner's motion to stay, ECF No. 3, is deemed **MOOT**.

IT IS SO ORDERED.

August 15, 2017
Columbia, South Carolina

s/Terry L. Wooten
Chief United States District Judge